



## SHED CHECKLIST

The Department of Labor and Industries and landowners, business operators, associations, and workers of the special forest products industry have created the following list of questions to assist a shed in complying with Farm Labor Contractor laws. This list is intended to help shed operators identify sellers that may be unlicensed Farm Labor Contractors (FLC's) to avoid liability. "Liability" means that the shed operator could be responsible for unpaid wages and other financial obligations of the FLC. The shed operator should also review the FLC checklist to assess if he or she is a FLC.

### WHO IS A FARM LABOR CONTRACTOR?

A Farm Labor Contractor is an individual, firm, partnership, association, corporation or government agency that, for a fee, recruits, solicits, employs, supplies, transports, or hires agricultural workers. Agricultural workers are employed for growing, producing or harvesting farm or nursery products, or in the forestation or reforestation of lands or other related activities. "Fee" includes anything that is received in exchange for FLC services.

### HOW DOES THIS AFFECT ME?

RCW 19.30.200 states: "Any person who *knowingly* uses services of unlicensed farm labor contractor shall be personally, jointly and severally liable." (Italics added) There are remedies and penalties for failing to comply with applicable statutes and rules, including fines of up to \$1000, potential right of action, and liens against bonds.

### HOW CAN I PROTECT MYSELF?

The following checklist and business practices can be used as a tool in determining the scope of responsibilities. The accompanying ledger can be used as a checklist to assist you in your determination, and may be supplied to the Department during an audit.

Place a checkmark in the box (☐) corresponding to the provided response.

Checklist Item	Business Practice
1. Ask if the seller is a Farm Labor Contractor. <input type="checkbox"/> Yes <input type="checkbox"/> No	Asking questions, following the checklist, and using the ledger will help a shed establish that they are trying to do the right thing, potentially limiting liability. If the seller is a farm labor contractor (FLC), then they must have the FLC license on them--ask to see the license. If they say no to this question, continue on through this checklist.
2. Check the name on the forest product removal permit against the seller's driver's license or other valid picture identification. <input type="checkbox"/> Checked <b>NOTE: The law requires the product and the seller's name to match what is listed on the permit.</b>	RCW 76.48.085: The person's name that is selling product must match the name listed on the forest product removal permit, and the permit must accompany product. A person violating this provision is guilty of a gross misdemeanor per RCW 76.48.130. <b>Contact L&amp;I for guidance.</b>
3. Ensure the forest product removal permit held by the seller is a true copy of the original permit. <input type="checkbox"/> True Copy <b>NOTE: The law requires the seller to have an original or true copy of permit at time of sale.</b>	RCW 76.48.050: The permit must be a "true copy" of the original permit that includes the name of the person the permit was sold to, the quantity allowed to be picked, and the time period of when the product can be picked. A person violating this provision is guilty of a gross misdemeanor per RCW 76.48.130. <b>Contact L&amp;I for guidance.</b>
4. Ensure type of product to be purchased is same as that indicated on the permit. <input type="checkbox"/> Product is same as on permit <b>NOTE: The law requires that the product being sold must be the same as that listed on the permit.</b>	RCW 76.48.085: The permit must match the type of product being sold. A person violating this provision is guilty of a gross misdemeanor per RCW 76.48.130. <b>Contact L&amp;I for guidance.</b>
5. Ask for the vehicle license number, or observe the vehicle license number for the vehicle that transported product. <input type="checkbox"/> Recorded vehicle license number	RCW 76.48.085 requires the purchaser to record on the bill of sale the vehicle license number of the vehicle that is transporting product to their place of business.
6. Note the quantity of product brought to the purchaser. Ask yourself "How many people would it take to pick this much product?" <input type="checkbox"/> Number of people:	RCW 76.48.085: *See back of document for guidelines on quantity of product one person could pick based on type of product harvested. If the amount appears greater than that listed, ask if the seller used employees for harvesting. The answer will assist you in determining if this individual is an FLC or not.
7. Determine the length of time since product was picked. <input type="checkbox"/> Length of time:	In correlation with quantity of product, this would help determine if the person is a FLC. Most products must be sold within two days of harvesting.

### **Additional decision making elements and considerations:**

- After completing the checklist and ledger, ask yourself again "is this person a farm labor contractor?" If the seller cannot demonstrate compliance with the requirements noted above, they may be in violation of the law. Purchasing this individual's product may increase your liability as a shed operator. Contact L&I about this individual or to receive additional guidance.
- If more than one person is delivering the product to your shed, ask all sellers whether they have a permit. Research can help you avoid liability.
- Make sure financial transactions are appropriate to the amount of product harvested. It is reasonable to write a check for the product rather than paying cash each time to one individual (particularly with large quantities of product).
- Keep all records for one year. RCW 76.48.085 states that anyone buying product must keep records of purchase that includes the seller's permit number, type of product purchased, permit holder's name, amount of product purchased, and license plate number of vehicle transporting product.

See Chapter 19.30 RCW, Farm Labor Contractors, Chapter 296-310 WAC, Farm Labor Contracting Rules, and Chapter 76.48 RCW, Specialized Forest Products for full requirements. For further information, contact the Department at the address or phone number listed at the top of this page.

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## CHECKLIST ITEM #6. HOW MUCH PRODUCT DID THE SELLER BRING IN?

The following chart is provided to assist you in determining if the product being sold was harvested by one person or by multiple people, indicating if the seller might be a Farm Labor Contractor.

**Product Type:** The left column lists a specific specialty forest product that is harvested and sold in Washington State.

**Amount per person per day:** The middle column indicates what one person could do in one day if that individual was an excellent picker and the land conditions were superb for picking.

**Two-Day Total:** The third column indicates the threshold for product that one person could pick in a two-day period in superb conditions. Since most products can only be kept for two days before the product begins to deteriorate, it is reasonable to believe that product must be sold within two days of picking.

IF THE QUANTITY OF PRODUCT BROUGHT IN IS GREATER THAN THAT LISTED IN THE FAR RIGHT COLUMN, IT IS REASONABLE TO CONCLUDE THE SELLER IS A FARM LABOR CONTRACTOR, as it would take two or more people to harvest these amounts of product.

QUANTITY OF PRODUCT		
Product Type	Amount per person per day	Two-Day Total (Possible FLC if quantity is more than this amount)
Salal Tips	250 bunches	Greater than 500 bunches
Salal Long	150 bunches	Greater than 300 bunches
Boughs	2,000 pounds	Greater than 4,000 pounds
Huckleberry	150 bunches	Greater than 300 bunches
Bear grass	1,000 pounds	Greater than 2,000 pounds
Bear grass (cleaning)	800 bunches	Greater than 1,600 bunches

The list was compiled through a survey of landowners, sheds, and harvesters. The product type constitutes 95% of harvested product in Washington State; therefore it is not inclusive of all specialty forest products. The amount is an average for each product from all submitted surveys.

**SHED OPERATOR PURCHASING LEDGER**

This ledger is provided by Labor and Industries to assist the shed operator in complying with all applicable laws associated with the specialized forest products industry.

**How To Use This Ledger:** The numbered boxes correlate to the checklist items on the accompanying “Shed Checklist”. For example, the box marked “1. Is seller an FLC?” correlates to item number 1 on the checklist item, “Ask if seller is a Farm Labor Contractor”. The second box, “ 2. Does permit and name on ID match?” correlates to checklist item number 2, “Check name on forest product removal permit...” and so on through number 7.

Date	1a. Is seller an FLC? (Yes or No) If YES, fill in boxes 1b and 1c.	1b. Record name (N) of licensee and license number (#).	1c. Record license date of issuance (I) and expiration (E).	2. Does name on permit and name on identification match? (Record name (N) and ID of seller)	3a. Is permit a True Copy? (Yes or No) Record data from permit in 3b, 3c , 3d and 3e.	3b. Record name of permittee	3c. Record date or permit issuance (I) and expiration (E).	3d. Location from where product was harvested.	3e. Amount or volume of product allowed per permit	4. Product (Record type of product)	5. Vehicle License number (Record license number)	6. Quantity of product (Record quantity of product bought)	7. Picked when? (Record date product harvested)
	<input type="checkbox"/> Yes	N:	I:	N:	<input type="checkbox"/> Yes		I:						
	<input type="checkbox"/> No	#:	E:	ID:	<input type="checkbox"/> No		E:						
	<input type="checkbox"/> Yes	N:	I:	N:	<input type="checkbox"/> Yes		I:						
	<input type="checkbox"/> No	#:	E:	ID:	<input type="checkbox"/> No		E:						
	<input type="checkbox"/> Yes	N:	I:	N:	<input type="checkbox"/> Yes		I:						
	<input type="checkbox"/> No	#:	E:	ID:	<input type="checkbox"/> No		E:						
	<input type="checkbox"/> Yes	N:	I:	N:	<input type="checkbox"/> Yes		I:						
	<input type="checkbox"/> No	#:	E:	ID:	<input type="checkbox"/> No		E:						
	<input type="checkbox"/> Yes	N:	I:	N:	<input type="checkbox"/> Yes		I:						
	<input type="checkbox"/> No	#:	E:	ID:	<input type="checkbox"/> No		E:						
	<input type="checkbox"/> Yes	N:	I:	N:	<input type="checkbox"/> Yes		I:						
	<input type="checkbox"/> No	#:	E:	ID:	<input type="checkbox"/> No		E:						
	<input type="checkbox"/> Yes	N:	I:	N:	<input type="checkbox"/> Yes		I:						
	<input type="checkbox"/> No	#:	E:	ID:	<input type="checkbox"/> No		E:						
	<input type="checkbox"/> Yes	N:	I:	N:	<input type="checkbox"/> Yes		I:						
	<input type="checkbox"/> No	#:	E:	ID:	<input type="checkbox"/> No		E:						